EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

--**-**000---

CLIFFORD COOK,

Plaintiff,

vs.

No. C-07-02569 CRB

CITY AND COUNTY OF SAN
FRANCISCO, ANTONIO FLORES, DON)
SLOAN, MARSHA ASHE, and DOES)
1-50, inclusive,

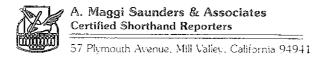
Defendants.

DEPOSITION OF LIEUTENANT DON SLOAN

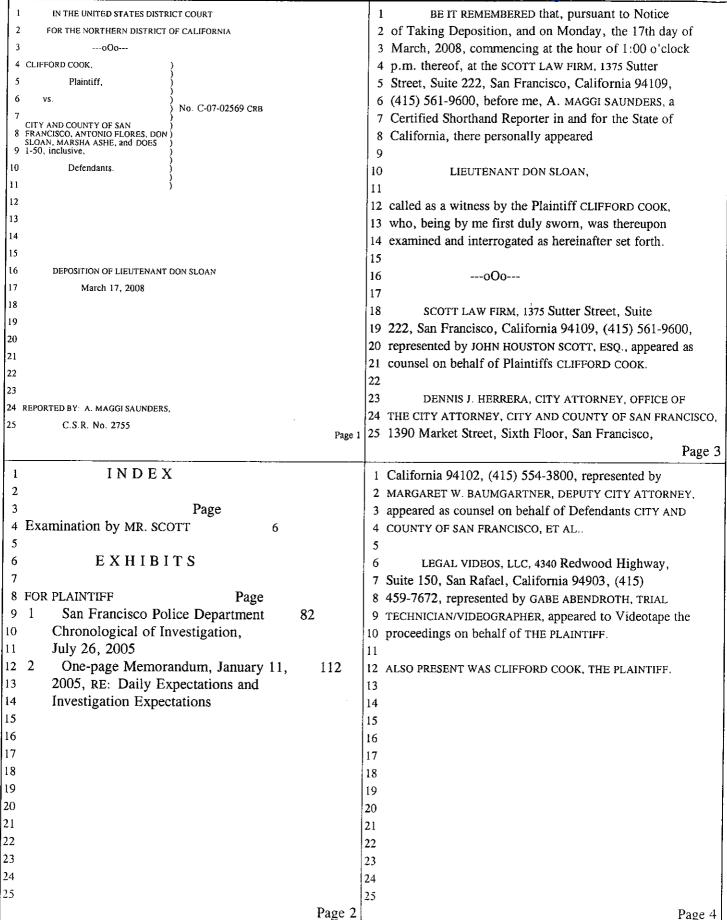
March 17, 2008

REPORTED BY: A. MAGGI SAUNDERS,

C.S.R. No. 2755



CLIFFORD COOK VS. CCSF, FLORES, SLOVAINI-RSHE, ET AL. Depo of LT. DONALD SLOAN USDC NORTHERN DIST OF BCA, Nound 17, 2008 Page 3 of 6 March 17, 2008



Depo of LT. DONALD SLOAN CLIFFORD MODE AGES. CCSF, FLORES, SLOAN, ASHE, ET AL. March 17, 2008 DOUSDCA NORTHERN DIST, OF GA, New C207102569 CRB 3:07-cv-02569-CRB 1 because I don't see an exact time that we left here; You don't remember him being there? So, it would have been between 2130 2 I don't remember him being there. 3 hours and 2200, if you consider driving time back to 3 Do you recall Captain Cashman being there? 4 850 Bryant Street. Yes, I do. Q. Now, as of 2040 hours, which would be 5 5 Q. And were you present when Inspector Flores 6 10:00 p.m. on July 26th, did you think you had probable was told to update the DA's Office on the incident? cause to arrest Inspector Cook? 7 A. Apparently so. 8 A. I believe so. And what did you understand to be the 9 Q. Okay. Is there any reason why you didn't? reason for Inspector Flores updating the DA's Office on 10 MS. BAUMGARTNER: Objection: It's been 10 the incident? asked and answered. 11 A. I don't -- Other than to keep the DA in 12 THE WITNESS: Contacted my superiors. 12 the loop, I don't know. We would normally -- it would 13 MR. SCOTT: Q. Okay. Do you normally do 13 be a normal practice to meet with the DA on a case. 14 that before you arrest someone? 14 Q. Okay. And were you aware that Inspector 15 A. No. 15 Cook had surrendered his firearms prior to July 27th? And did you go back to the Department that 16 According to this, I was. So, yes. 16 17 evening and review the tape with Inspector Flores? 17 So that wasn't a reason to arrest him, the 18 A. I don't recall doing that, no. 18 firearm issue? 19 Okay. And did you meet with Inspector A. Not any more, no. 19 20 Flores the next morning at about 8:00 a.m.? 20 Q. All right. And then the --21 (Looking at the report) Yes. 21 Is it your recollection that a decision 22 And did you tell him to do a sniffer Q. 22 was made at the 9:30 meeting to arrest Inspector 23 query? 23 Cook? Yes, I did. 24 24 A. I don't recall when the decision to arrest 25 And why did you do that? 25 Inspector Cook was made. I don't recall if it was made Page 85 Page 87 A. I recall that, if I can find it -- and let 1 in that meeting, or after that meeting. 2 me back up here -- that the victim had stated that Q. All right. And who did you talk to about 3 Inspector Cook was doing computer queries of her 3 this case after that meeting? 4 friends, and that those would be illegal, if he was My conversations would have been limited 5 doing them, and the sniffer would show those queries. 5 to either Captain Ashe, or the inspectors involved with Was Inspector Cook arrested for any CLETS 6 6 the investigation. 7 violations? Q. Okay. So, if you learned of the decision 7 8 A. I don't recall if he was or not. 8 to arrest Inspector Cook after this meeting, it would 9 Okay. Have you ever arrested any officer 9 have been from Captain Ashe. 10 for a CLETS violation? 10 A. Correct. 11 A. I have not, no. 11 Q. Did she ask for you to make a Do you know of any who have been? 12 12 recommendation in relation to that decision? 13 I've read about them in the newspaper. 13 She may have, yes. 14 yes. What do you recall about that? 14 Q. 15 Q. Other than that, you are not aware of any? 15 I recall discussing the facts of the case 16 No. 16 with her. 17 And you'll notice on page ten of 17 Q. After the meeting, the 9:30 meeting. 18 Exhibit 1, there is a reference to a meeting at 18 A. I don't know the time frame. It may have 19 9:30 a.m. on the 27th; do you see that? 19 been before the 9:30 meeting on the phone, or it may 20 A. Okay, yes. 20 have been after, I don't recall the exact time. And does this refresh your recollection, 21

22 in terms of who was present at that meeting?

23 A. Yes.

25

24 And was Captain Keohane present?

According to this, he was.

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Well, if you had discussed with Captain

22 Ashe making the arrest before the meeting, is that

23 something you discussed at the meeting, that you

24 intended to arrest Inspector Cook?

A. It could have been part of the discussion.

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Depo of LT. DONALD SLOAN CLIFFORIMGOOMGES. CCSF, FLORES, SLOAN, ASHE, ET AL. March 17, 2008 3:07-cv-02569-CRB DOUSDEN NORTHERN DIST, OF GA, No. C-07-02569 CRB I don't recall asking her. 1 EPO and arrested him? 2 You just assumed that she was going to Arrested him, and then served the EPO, 2 3 prosecute? 3 yes. 4 A. (No audible response). All right. And then it refers here to Q. 5 Q. Were you so convinced, you didn't think "Requesting a bail enhancement"; do you see that? 6 you even had to ask her? MS. BAUMGARTNER: Objection: 7 So, you told Inspector Flores at 3:00 p.m. Q. Argumentative. What's the question? 8 that a bail enhancement had been requested? MR. SCOTT: Q. Were you so sure that she Yes. 10 was going to prosecute, that you felt you didn't even Okay. Were you aware that Inspector 10 O. 11 have to ask her, when you saw her on the morning of 11 Flores talked to Ms. Aguilar-Tarchi on the evening of 12 July 27? 12 the 27th, according to this document, at about 13 MS. BAUMGARTNER: Objection: Vague; 13 8:30 p.m.? 14 assumes facts not in evidence, and is argumentative. 14 A. No. Reading this, I don't recall -- I 15 MR. SCOTT: Q. Go ahead. don't recall that he told me he had that conversation, 16 A. I do not know what the DA is going to do. 16 but he may have told me. 17 Based on the information and what we 17 Q. Do you recall at some point learning about 18 had, we made an arrest, with the best case we could 18 that conversation? 19 put together; and we believed we would have to get 19 A. I don't recall. 20 more information, but we gave her for the DA the best 20 O. And it indicates here that the next 21 case we could. 21 morning, at 8:44 hours, Inspector Flores called you and 22 Q. Okay. And that would have been the case 22 updated you on the investigation. Do you recall 23 that was given to her by Inspector Flores on the 23 anything about that? 24 morning of the 27th. 24 I don't recall, no. 25 MS. BAUMGARTNER: Objection: Vague. 25 Do you recall telling Inspector Flores Page 109 Page 111 THE WITNESS: No, I don't believe that the 1 1 that you were in contact with the victim? 2 morning of the 27th, that Inspector Flores would have I don't recall telling him that, no. 3 had the best case available. I know that Inspector 3 Were you in contact with the victim? 4 Flores was still working the case. She had -- I was in contact with the A. 5 MR. SCOTT: Q. Okay. When did he have 5 victim, yes. 6 the best case available? Q. And what do you recall about that? 6 A. I do not know. 7 7 A. She would call my desk phone and leave Q. Okay. So, you weren't going to wait for messages, or call the cell phone and leave a message. 9 the best case available to make an arrest. 9 Q. And did you call her and tell her that A. We were making an arrest based on 10 Inspector Cook had been arrested? 10 11 sufficient cause to make an arrest at that time. A. I don't recall whether I called and told 11 Q. Now, if you would look at page one of 12 12 her that or not. 13 Exhibit No. 1, at 1500 hours, near the top of the page, 13 Did you ever tell her that? 14 do you recall informing Inspector Flores at about A. I don't know. 14 15 3:00 p.m. in the afternoon that you had Inspector Cook 15 It would make sense that she would have 16 been notified. That's something that would normally 16 in-custody? 17 have been done. I don't know who would have made 17 I don't recall it, but, yes. A. And did you tell him that the EPO was 18 that notification. 18 Q. 19 served? 19 MR. SCOTT: All right. Now, I'm going to

Apparently so. 20

And how did you learn that, did you serve 21

22 it ---

23

A. I recall serving Inspector Cook -- Excuse

24 me -- when we were upstairs in the office.

25 Q. Okay. So you simultaneously served the

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23

25

20 mark as Exhibit No. 2, a one-page memo, dated

21 January 11, 2005.

22 (One-page Memorandum, January 11, 2005,

RE: Daily Expectations and

Investigation Expectations marked 24

Plaintiff's Exhibit 2 for

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STATE OF CALIFORNIA) ss.

CERTIFICATE OF REPORTER

I, A. MAGGI SAUNDERS, a Certified Shorthand Reporter in and for the State of California, duly appointed and licensed to administer oaths and so forth, do hereby certify:

That the witness named in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth;

That the deposition was reported by me, a Certified Shorthand Reporter and disinterested person, and thereafter transcribed into typewriting under my direction;

That if the deposition has not been signed by the time of trial, a reasonable opportunity having been given the witness to do so, signature has been waived in accordance with stipulation between counsel.

IN WITNESS WHEREOF, I have hereunto set my hand and subscribed my signature this 18th day of March, 2008.

A. MAGGI SAUNDERS, C.S.R. No. 2755, Certified Shorthand Reporter,

Magg: Sacuders Cop

In and For the State of California

